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THE
Perjur'd Phanatick:
Or, the MALICIOUS
CONSPIRACY

OF

Sir JOHN CROKE, of Chilton, Bar.
Justice of Peace in Com' Bucks,

HENRY LARIMORE, Anabaptist Preacher,
And other PHANATICKS,
Against the LIFE of
ROBERT HAWKINS, M. A. now living,
And late MINISTER of CHILTON.

Occasion'd by his SUIT for TITHES.

Discover'd in a

TRYAL at ALISBURY,

Before the Right Honourable

Sir MATTHEW HALE, then Lord Chief Baron of the
Exchequer, and after Lord Chief Justice of England.

Publish'd by his Lordship's Command.

The Second Edition.

L O N D O N:

Printed for W. J. and sold by J. Morphew near Stationers-Hall. 1710.

THE
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Conspiracy
CONSPIRACY

OF
SIR JOHN CROKE, of Chilton, Bart.
Justice of Peace in Com. Bucks.

THE Right Reverend Dr. Fell, late Lord Bishop of Oxford,
gave me five Pounds upon his reading of this Trial.

And the present Lord Bishop of Gloucester, Dr. Fowler, gave me
three Pounds upon his reading the same Trial, and sent it to me by
the Hands of Mr. William Smythis, who was at that time his Lord-
ship's Curate.

I could mention more Instances of this kind, but I forbear, and
am,

Yours to Command,



Discovered in a

June 26. 1710.

R. HAWKINS.

Before the Right Honourable
Sir MATTHEW HALE, then Lord Chief Baron of the
Exchequer, and after Lord Chief Justice of England.

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THE TRIAL OF READER.

I have been persuaded by some Persons of Note to suffer this Trial to be Re-printed. The Right Reverend Lord Bishop of Waterford having lately thought fit to give a short Account of it, in the Book which he publish'd concerning his unhappy Predecessor Bishop Atherton; and the first Edition of this Trial being so entirely sold off, that I myself could not obtain a single Copy of it in several Years, I willingly consented to the Motion; that so those Gentlemen who have seen only a succinct Account of this villanous Conspiracy in the aforementioned Book, may receive entire Satisfaction by viewing the Trial it self, as it was order'd to be Printed by the Lord Chief Justice Hale. The same Persons have also thought it very proper that some Account should be given of the Occasion of this great Difference between Sir John Croke, Larimore, with the rest of those Persons of the Town of Chilton who joined in this wicked Conspiracy, and myself: In compliance with their Desire, I have thought fit to publish this brief but true Relation of the whole Matter.

I was entertain'd by Sir John Croke of the Parish of Chilton in the County of Bucks, Baronet, to attend as Chaplain in his House, and also to serve the Cure of the said Parish of Chilton; for which he did under his Hand and Seal promise to pay me Fifty Pounds per Annum, he being Impropiator of the said Parish, and to pay it by Quarterly Payments. When I had faithfully perform'd my Duty in both these Capacities above Two Years, and in all that time had receiv'd no Money from him, but upon some Occasions had lent him several Sums out of my Pocket, at last I was somewhat urgent with him for Money; and then he told me plainly, That I did not know him as yet; for, as he said, he had cheated all Persons that he ever had dealt with; and therefore I must not expect to speed better than they had done. I told him, that I hop'd for better things from him; But he reply'd, that he never intended to pay me any Money, and therefore I might take my Course.

When I saw that, I went to London, and upon Enquiry, found that Sir John Croke was Outlaw'd after Judgment, at the Suit of Mr. Thomas and Mr. William Hellows, the one of London, and the other of Windsor, for a Sum of Money due from the said Sir John Croke to the said Gentlemen; and that his Mannor of Chilton, with several Farms and the Rectory of the said Parish, were extended into the King's Hands, and a Lease was granted from the Crown, under the Seal of the Court of Exchequer to the said Gentlemen and their Assigns. I apply'd myself therefore to them, in order to persuade them to pay me for serving the said Cure, out of the Profits arising from the said Rectory: And they, by the Advice of their Council, granted me a Lease of the said Rectory, with all the Glebes, Tithes, and other Profits belonging to the same, under both their Hands and Seals, to enable me to demand the same. Upon which I return'd to Chilton, and acquainted Sir John Croke with what I had done; humbly intreating him to pay me what was due, and upon that Condition I promising to deliver up the said Lease.

But Sir John, instead of complying, told me, I was a treacherous Villain, and had undermin'd him in his Estate, and therefore was not fit to live; and that the Lease should be of no use to me; for that he would find out a way to prevent all my Designs, and put a stop to all my Proceedings, for he knew how to do my Business to all Intents and Purposes; and bid me get out of his sight, or else he would knock me down immediately: So I left him in a great Rage and Passion. Soon after this, he advis'd one Mr. Good, a Minister in the next Parish, with the said Larimore and others, to make a forcible Entry upon my Church in Chilton, which accordingly they did, by breaking it open; and I indicted them
for

The P R E F A C E.

for a ~~Riot~~ upon that account, at the next Sessions at Buckingham: And when I desired several of the Farmers to give me a Meeting, in Order to prevent a Suit in Law, if possible. When they came to me, I told them, That Sir John Croke owed me a great Sum of Money for serving the Cure at Chilton, which they all knew to be true; and that he refus'd to pay me; and therefore unless they would find out some way for me to be paid, I must put my Lease in Suit, and force them to pay their Tithes to me, or compound with me for them. They reply'd, That it would be unjust in me to make them pay their Tithes over again, which they had bought of Sir John Croke, and had taken their Farms Tithe-free. I reply'd, If they would let me see their Leases, I would not insert any of those Persons Names in my Bill, whose Leases bore Date before the Outlawry and Extent; but all those whose Leases were made since that Time, were lyable to pay their Tithes to me, or else compound with me for them. But they reply'd, That they would consult Sir John Croke about the Matter, and let me know his Answer in a short time.

So when they had discours'd with Sir John, they told me that he said, They needed not to fear what I could do to them by virtue of the Lease, or upon any other account: For, as soon as I should begin the Suit and demand the Tithes, he was fully resolv'd to do my Business so effectually as should stop all my Proceedings.

So when I saw I could not prevail to get my Money either from Sir John Croke or the Tenants, I was forc'd to exhibit my Bill in the Exchequer for Tithes against Larimore, Mayne the Constable, Thomas Beamly, Nicholas Sanders, and others; which I did in Michaelmas Term 1667. as may appear by the Records of the Exchequer: And when the said Larimore, Mayne, and the rest abovenamed were serv'd with Subpœna's to answer my said Bill, Sir John Croke, soon after, viz. Wednesday September the 16th 1668. entred upon this Conspiracy with Larimore to take away my Life, as will fully appear by Mr. Brown's Evidence in the Trial; which shews how they prosecuted their Malice, how Justice was done, and my Reputation as well as Life secur'd by my Acquittal: I shall only mention farther, the Incouragement I had from my Lord Chief Baron to prosecute several of the Conspirators. He himself was pleas'd to direct the Process for special Bail, to order the Under-Sheriff to demand 500 l. Security of each; and, upon a motion at the Exchequer by Sir Richard Croke and other eminent Council, that less might be accepted, positively insisted upon the said Order. But all ended in their hearty Submission to me, and a reasonable Composition with them: Larimore paid me 30 l. Thomas Croxton 44 l. Thomas Beamly 20 l. Mayne 15 l. Nicholas Sanders 12 l. In all 121 l. The others were secur'd by their Poverty, and Sir John Croke lost his Commission.

Thus I have given a Brief Account of all that I know or believe to be the ground of the Difference betwixt Sir John Croke and my self which occasion'd the wicked Attempt on my Life; and I aver it to be a true one upon the Word of a Christian and a Minister.

ROBERT HAWKINS.

The Names of my Twelve Witnesses.

Sir Ralph Verney, Bart. 2 Justices of the Peace
Sir Richard Pigot. 3 on the Bench.
Francis Kettleby Attorney at Law, and
Under-Sheriff of the County of
Bucks.
Mr. Burch Gaoler at Alishury.
Michael Read Gent.
Mr. Wilcox Gent.

Mr. Brown.
Mr. Tho. Sanders Constable.
Mr. Henry Golder.
Mr. Faulkner.
John Acreman.
John Chilton subpœna'd by Larimore, but
prov'd a very material Witness for
me.



THE TRIAL.

UPON Tuesday, being the 9th of March, 1668. I went to *Alisbury*, and got thither by four of the Clock in the Afternoon, and about the same time came in the Reverend Judges, viz.

Sir *Matthew Hale*, Knight, (then Lord Chief Baron of his Majesty's Court of *Exchequer*, but now) Lord Chief Justice of *England*; and *Hugh Windham*, Serjeant at Law. And upon Wednesday the 10th of March the Assizes began; and in the Afternoon of the same Day, *Larimore* (by the Advice of Sir *John Croke*, who had then got leave to come to the Assizes) carried his Bill of Indictment against me, to the Grand Jury, their Names were as followeth.

John Hill, Gent.

Samuel Grange, Gent.

Richard Cokeman, Gent.

Jacob Sale, Gent.

Thomas Redding, Gent.

Thomas Berringer, Gent.

Clement Summerford, Gent.

John Winter, Gent.

John Burnham, Gent.

Ralph Rice, Gent.

Jonathan Tomlins, Gent.

William Barret, Gent.

John Butterfield, Gent.

William Pedder, Gent.

John Fosket, Gent.

John Sare, Gent.

John Merydale, Gent.

Robert Worrel, Gent.

George Wells, Gent.

In all Nineteen.

These were the Gentlemen of the Grand Inquest for the Body of the County of *Buckingham*; and unto them the foresaid *Larimore* exhibited his Bill of Felony against me. The Sum and Substance of it was as followeth,

The Grand Inquest for our Sovereign Lord the King, upon their Sacred Oaths present, That *Robert Hawkins*, late of *Chilton*, in the County aforesaid, Clerk, did upon the 18th of September, in the 20th Year of the Reign of our Sovereign Lord *Charles the II^d*, by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, &c. with Force and Arms, &c. at *Chilton* aforesaid, in the County aforesaid, two Gold Rings, each of them at the value of ten Skillings; one white Holland Apron, of the value of two Skillings Six Pence; two pieces of Gold, each of them at the value of ten Skillings, and nineteen Skillings in Silver, of the Goods and Chattels of *Henry Larimore*, in the Parish and County aforesaid, then and there being found, then and there feloniously he did steal, take, and carry away, contrary to the Peace, &c.

This Bill was Signed by the Grand Jury, *Billa Vera*, Returned to my Lord Chief Baron Hale, who then sat on the Crown's side (or upon Life and Death) about six of the Clock at Night.

Upon *Thursday* the 11th of *March*, 1668. my Lord Chief Baron came to the Hall about eight of the Clock in the Morning, and the Court being set, I render'd my self willing to be tried according to the Laws of this Kingdom. And when the Clerk of the Assizes saw me how to the Court, he then informed my Lord, (and said) This is Mr. *Hawkins*, who stand indicted for Felony; and then the Clerk of the Arraigns read the Bill, which was Signed and Returned as before said; and then I was set to the Bar, without any other Prisoners.

Clerk of the Arraigns said, *Robert Hawkins* hold up thy Hand, which I then did; and then the Clerk read the Indictment against me as followeth,

YOU stand Indicted in *Alisbury*, in the County of *Bucks*, by the Name of *Robert Hawkins*, late of *Chilton* in the County aforesaid, Clerk, for that you, the said *Robert Hawkins*, (not having the Fear of God before your Eyes) upon the 18th of September, in the 20th Year of the Reign of our Sovereign Lord *Charles the II^d*. by the Grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. with Force and Arms, &c. at *Chilton* aforesaid, in the County aforesaid, into the Dwelling-house of one *Henry Larimore*, Feloniously did enter, and two Gold Rings at the value of ten Shillings each of them, one white Holland Apron of the value of two Shillings and Six Pence, two pieces of Gold, each of them at the value of ten Shillings, and nineteen Shillings in Silver, of the Goods and Chattels of him the said *Henry Larimore*, then and there being found, then and there Feloniously you did steal, take, and carry away; contrary to the Peace of our said Sovereign Lord the King, His Royal Crown and Dignity, &c.

How sayst thou, *Robert Hawkins*, art thou guilty of the Felony whereof thou standest Indicted, or not guilty?

Robert Hawkins. Not Guilty, my Lord.

Clerk. How wilt thou be try'd?

Rob. Hawk. By God and the Country.

Clerk. God send you a good Deliverance.

Court. Call the Jury; which the Clerk did.

Crier, Call these, viz.

Richard Lambourne,

James Reynolds, Jun^r

Robert Hoare, I challenged him. L. C.

B. set him by.

Edward Butler.

Tho. Coles, I challenged him. L. C. B.

set him by.

Richard Hearnese.

Thomas Sanders of *Chilton* was challen-

ged by *Larimore*, contrary to Custom.

Edward Carter.

John Goodwyn.

William Porter.

John Ringham.

William Cannon, Jun^r.

William Welch.

Edward Cope.

Francis Rushel.

All these being in number 15. but three of them were challenged, two of them by me, (I being informed) they were no Friends to the Church of *England*; and for the third, viz. Mr. *Tho Saunders*, he was challenged by *Lari-*

more

more contrary to Custom, without shewing any Reason; he being a Neighbour that knew us both, and the business better than any of the rest of the Jurors. The other twelve were sworn as followeth.

Clerk. Robert Hawkins, Hold up thy Hand; which I did.
Marshal. Richard Lambourne, lay thy Hand upon the Book; look upon the Prisoner;

YOU shall well and truly Try, and true Deliverance make between our Sovereign Lord the King, and the Prisoner at the Bar, whom you shall have in Charge according to your Evidence. So help you God. Kiss the Book. And so were all the rest sworn.

Clerk. Cryer, count these. Richard Lambourne, James Reynolds, two, &c. twelve good Men, and true, stand together, and hear your Evidence.

Clerk. Cryer, make a Proclamation.
O Yes, &c.

IF any Man can inform my Lords, the King's Justices, the King's Sergeant, or the King's Attorney, of any Murders, Felonies, or Treasons, done or committed by the Prisoner at the Bar, before this Inquest be taken between our Sovereign Lord the King and the Prisoner at the Bar, let them come forth, and they shall be heard, for now the Prisoner at the Bar, stands upon his Deliverance. And all others bound by Recognizance to give in Evidence against the Prisoner at the Bar, come forth and give your Evidence, or else you will forfeit your Recognizances.

Clerk. Cryer, call the Witnesses.

Henry Larimore, Sen. the Prosecutor. John Boyse.

Richard Mayne, Jun. Constable. Thomas Welch

Thomas Beamsly, Tything-man, (Brother-in-law to the said Larimore.) Samuel Salter.

Dodsworth Croke, Esq; (Sir John Croke's eldest Son.) Francis Luce.

John Cox. William Mantill, alias Miles, (Nephew to the said Larimore.)

Henry Larimore, Jun. (Son to the said Larimore, near twenty Years old, and not baptized.) Richard Mantill, alias Miles, (Brother-in-law to the said Larimore.)

Mary Keen. Thomas Croxton, of Weston on the Green, in the County of Oxon, Yeoman.

Joan Beamsly, (Sister to the said Larimore.) Nicholas Sanders.

Margaret Larimore, (Wife to the said Larimore.) Christopher Bethum.

John Chilton. Edward Good of Long Crendon, Clerk, (a Person that committed a Riot and forcible Entry upon my Church at Chilton.)

William Croke, Gent. (Son to Sir John Croke.)

All these (being in number 22) were Witnesses procured (by Sir John Croke and Larimore) and sworn against me.

Clerk. Robert Hawkins, Hold up thy Hand; which I did.

Here the Indictment was again read.

The Clerk speaks to the Jury thus: Look upon the Prisoner you that be sworn. You shall understand that the Prisoner at the Bar hath been Arraigned upon this Indictment, and thereunto hath pleaded not Guilty; and for his

Trial

Trial hath put himself upon God and the Country, which Country you are. Your Charge is, to enquire whether the said *Rob. Hawkins* be guilty of this Felony (in manner and form as he stands Indicted) or not guilty; if you find him guilty, you shall enquire what Goods and Chattels, Lands and Tenements he had at the time of committing this Felony, or at any time since; if you do find him not guilty, you shall enquire if he fled for the same; if you do find that he fled for the same, you shall enquire what Goods and Chattels as if you had found him; if you find him not guilty, and that he did not flee for the same, you shall say so, and no more, and hear the Evidence.

Henry Larimore the Prosecutor was sworn as followeth; *Mr. Larimore*, lay your Hand upon the Book, look upon the Prisoner.

The Evidence that you shall give unto the Court, and to the Jury, between our Sovereign Lord the King and the Prisoner at the Bar, shall be the Truth, the whole Truth, and nothing but the Truth, *So help you God. Kiss the Book.*

Here I took Pen, Ink, and Paper, to take Notes at the Bar.

Larimore said, (May it please your Honour, my Lord) upon *Friday* the 18th of *September*, in the Year of our Lord 1668. between twelve and one of the Clock at Noon, I lock'd my Doors fast, and left no body in my House; putting the Keys in my Pocket, I went to a Hemp-plot (about two Furlongs from my House) to pluck Hemp, where I (and the rest of my Family) continued till an Hour and half of Sun-set; and then coming home, found my Doors wide open: So I went in, and run up the Stairs into my Chamber, (or upper Loft, over my inward Chamber where I lie) I then hearing a Noise (in the Chamber where I lie, just under me) I peeped down through some of the Chinks of the Loft-boards, there I saw this *Mr. Hawkins* (pointing with his left Hand towards me; but having his Face all that time towards the Judge) ransacking and rifling of a Box; in which Box was (then amongst other Goods) one white Holland Apron, a Purse, and in that Purse was (at that time) two Gold Rings, (each of them of the value of 10 s.) two Ten-Shilling Pieces of Gold, and 19 s. in Silver; all the which said Gold Rings, Gold, and Silver, (except one small Piece of Silver or two) I then saw this *Mr. Hawkins* (that is now the Prisoner at the Bar) take, and turn out of this very Purse, (which I do now shew unto your Honour) and he did then steal and carry away all the foresaid Rings and Money, with the said Holland Apron;) All these things (my Lord) I saw him take out of my Box, and Purse, (for I was all that time looking through the Chinks of the Board:) And when *Mr. Hawkins* heard some noise, (above) I farther saw the Prisoner, now at the Bar, go out of my said lower Room where my Box was, and glanc'd by the Stair-foot-door, and so ran out of my House, with a great Bunch of Keys in his Hand, down my Yard, and hid himself in a Close, (where there were some Beans and Weeds.) All this, my Lord, I saw with my own Eyes. Moreover (my Lord) I having a Warrant from *Sir Richard Piggot*, to search for the said Rings and Money, &c. I did upon the next Day, (it being *Saturday*, and the 19th of *September*, after *Mr. Hawkins* had robb'd me) I called *Richard Mayne*, Jun^r the Constable, and *Mr. Tho. Beamsly*, Tithingman, with some others of our Town, to search *Mr. Hawkins's* House for my said Money and Goods, (which the Day before I saw him steal from me) but he refusing to open his Doors, (or to let us search,) when we saw that, the Constable broke open his Doors, and then we went in, and searching his House I did then find in an inward Room below Stairs, in a Basket hanging on a Pin, (put amongst Papers, and Rags, and other Trumpery) this Gold Ring, and this Five-Shilling Piece of Silver: And I do swear that this Ring and Piece of Silver is one of the same Rings and Pieces of Silver which the day before I saw the Prisoner (now at the Bar)

out of this very Purse, it being *Friday*, the 18th of *September*, and an Hour and half before Sun-set. This was the Sum and Substance of *Larimore's* Evidence, whereupon my Lord Chief Baron asked *Larimore* these Questions.

Lord Chief Baron Hale. Are you sure (*Larimore*) that you left your Doors lock'd, when you went out to pluck Hemp?

Larimore. Yes, my Lord, I am sure I did.

L. C. B. When?

Lar. between twelve and one of the Clock at Noon, my Lord.

L. C. B. Upon what Day was it?

Lar. It was upon the 18th of *September* last past, my Lord.

L. C. B. Upon what Day of the Week was it?

Lar. It was upon *Friday*, my Lord.

L. C. B. In what Year was it?

Lar. It was in the Year of our Lord 1668, my Lord.

L. C. B. Are you sure that your Chamber-Door, where your Box stood, was lock'd at that time?

Lar. I cannot (certainly) tell, my Lord.

L. C. B. Was the Box lock'd at that time?

Larimore to this Question paus'd a while, and gave no answer.

Marshal. My Lord desires to know whether your Box was lock'd (at that time) when you lost your Money and Goods out of it?

Lar. It was lock'd, my Lord.

Clerk. Was it at that time lock'd, (by the Oath you have taken?)

Lar. It was lock'd, if it shall please your Honour.

L. C. B. Were the Locks of the Doors and Box broken?

Lar. (My Lord) I cannot certainly tell, but I do believe that they were pick'd open with some Pick-lock (or false Key.)

L. C. B. Did you see him, that is now the Prisoner at the Bar, in your House at that time, and in that Posture, by the Oath you have taken?

Lar. I did then see him, that is now the Prisoner at the Bar, in my House, my Lord, as I said before.

L. C. B. At what time of the Day was it that you saw him in your House?

Lar. It was an Hour and an half before Sun-set.

L. C. B. said to me, Sir, will you ask *Larimore* any Questions, before we call more Witnesses?

Robert Hawkins. Yes, my Lord, if I may have leave.

L. C. B. Sir, you may proceed to your Questions.

Hawk. I humbly thank your Honour.

Hawk. I pray, my Lord, ask *Larimore* if he be sure that I am the Person that robbed him.

L. C. B. *Larimore*, answer to the Question.

Lar. Yes, my Lord, I am sure he is the Person that robbed me, for I know him very well.

Hawk. Why did you say before Sir *John Croke*, when I was before him, that you could not say that I had stol'n them?

Lar. I said no such thing; [this, all that were there did justify.]

Hawk. (My Lord) I desire to know of *Larimore* if he be sure that it was upon a *Friday*, and the 18th of *September*, 1668. and an Hour and half before Sun-set, when he saw me in his House, robbing him.

Lar. Replied, that it was upon that Day and Time, as near as he could guess.

Hawk. Why (when *Larimore* found his Doors open, which he expected to have found locked,) did not he call some of his Neighbours to assist him in

searching his House, and to secure me, (or any other Person which he might find robbing him,) rather than to run up Stairs (by himself) to alarm any Person that was in his House, and thereby giving them Opportunity to escape?

Larimore said, He did not then so well consider of it as now; but being willing, seeing his Doors open, ran up the Stairs, to know what the Matter was, and looking through the Chinks of the Loft, saw me in his House, as aforesaid.

Hawk. *Larimore*, did you speak to me when you saw me, or endeavour to stay me?

Lar. replied, that he was (for that time) so amazed, that he could not speak to me.

Hawk. (My Lord) I think he is still in great Amazement.

Hawk. *Larimore*, was my House the first, or the only House you searched?

Lar. replied, No.

Hawk. If you saw me commit the Robbery in your House, why then did you search other Houses for the Goods which you saw me steal?

Lar. replied to this, That he had been robbed at several other times.

Hawk. Why did not you then rather send out Hue-and-Cryes to apprehend my Person, than to search my House? And why did not you charge me with flat Felony before Sir Richard Pigott, of whom you had your Warrant, if you saw me rob you;

Lar. to these Questions made no direct Answer.

L. C. B. Mr. *Hawkins*, will you ask *Larimore* any more Questions?

Hawk. No, my Lord, (not at present) but when I come to my Defence I hope I shall be heard.

L. C. B. You shall be heard (at large) and so shall they.

Hawk. I humbly thank your Honour.

Clerk. Att. *Larimore*, who shall be next called?

Lar. Call Henry *Larimore* the younger.

Clerk. Cryer. call Henry *Larimore* the younger.

Cryer. Henry *Larimore* the younger: who answer'd, Here, Sir.

Marshal. Lay your Hand upon the Book, look upon the Prisoner.

Hawk. My Lord, may I be heard a Word?

L. C. B. Yes, Sir, you may go on.

Hawk. I humbly thank your Honour.

Hawk. (My Lord) is it usual to admit Persons that are not baptized, to give Evidence upon a Tryal of Life and Death? For that Person, which is now about to be sworn, (I suppose) is not baptized.

L. C. B. Sir, a Person that is not baptized may be sworn, and give Evidence in Cases of Felony.

Hawk. (My Lord) I submit, but am not fully satisfied in it; and, If Occasion be, I shall crave Counsel in that Point, it being Matter of Law, and not of Fact.

L. C. B. The Jury may consider of it.

Hawk. (My Lord) I doubt not but they will weigh of what Validity the Oath and Evidence of such a Person is.

Mar. *Larimore* the younger, lay your Hand upon the Book, look upon the Prisoner.

The Evidence that you shall give to the Court, between our Sovereign Lord the King, and the Prisoner at the Bar, shall be the Truth, the whole Truth, and nothing but the Truth: So help you God. Kifs the Book.

Larimore Jun. My Lord, upon the 18th of September I came home a little after my Father, and coming in the Yard, I saw this Mr. *Hawkins* (that is

now at the Bar) run out of my Father's House, with a great Bunch of Keys in his Hand, and run down my Father's Yard, and hid himself in a Close with Beans and Weeds, and when I came into my Father's House, I asked him what Mr. *Hawkins* did there, he answered me, That he had done too much there, for he had robbed him.

L. C. B. What Day of the Week was it?

Lar. Jun. It was upon a *Friday*.

L. C. B. In what Year was it?

Lar. It was this last *September*, my Lord.

L. C. B. Will you ask him any Questions?

Hawk. Yes, my Lord, (if I may be permitted.)

L. C. B. You may proceed to your Questions.

Hawk. I humbly thank your Honour.

Hawk. *Larimore*, are you sure that I am the Person which you saw run out of your Father's House?

Lar. Yes, I am sure that you are the same Person that I then saw run down my Father's Yard.

Hawk. What time of the Day was it when you saw me?

Lar. It was an Hour and an half before the Sun was down.

Hawk. Was your Father within when you came there?

Lar. He was within when I came there, and I asked him as afore said.

Hawk. Did your Father say no more to you, than what you have related? and did not he enquire which way I run, or went?

Lar. He said no more, but that you had robbed him.

Hawk. My Lord, and you of the Jury, is it likely, that when the Father had seen me commit a Robbery in his House, and the Son coming in immediately upon it, that the Father would not ask of him which way I went?

Hawk. (My Lord) I have done with him at present.

Lar. Sen. My Lord, pray let *Joan Beamsly* be called next.

Clerk. Cryer, call *Joan Beamsly*.

Cryer. *Joan Beamsly*: She answer'd, Here, Sir.

Joan Beamsly, lay your Hand upon the Book, look upon the Prisoner.

The Evidence that you shall give shall be the Truth, &c.

Joan Beamsly. May it please your Honour (my Lord) upon *Friday* 18th of *September* last past, about an Hour and half before Sun-set, as I was going to Milking in the Street (near *Larimore's* House) I met *Henry Larimore* the younger, and being (at that time) much troubled with the Tooth-ach, I told him of it, desiring him to help me to some hot Water, for I believed that might give me ease; *Larimore* replied, that if I would go with him to his Father's House, he would help me to some; so going both together, we saw this Mr. *Hawkins* (that is now the Prisoner at the Bar) run out of *Larimore's* House, with a great Bunch of Keys in his Hand, and run down *Larimore's* Yard into a Close of Beans and Weeds, and there hid himself; and when we came into *Larimore's* House, I there heard young *Larimore* ask his Father what Mr. *Hawkins* did there, *Larimore* told his Son that he had done too much there, for he had robbed him. When my Lord Chief Baron *Hale* heard how these three Witnesses agreed in their Evidence, he said, Here is enough sworn (if believed) to hang twenty Men.

Hawk. I doubt not but to clear my self, notwithstanding their Evidence, if I may be heard.

L. C. B. You shall be heard.

Hawk. I humbly thank your Honour.

L. C. B. *Larimore*, have you any more Witnesses?

Lar.

Lar. Yes, (if it may please your Honour) a great many more.

L. C. B. Who are they? Call them.

Lar. Call *Richard Mayne*, Constable.

Clerk. Cryer, call *Richard Mayne* Constable.

Cryer. *Richard Mayne* Constable, who answer'd, here Sir, and being sworn, said as followeth.

Mayne. My Lord, upon *Saturday* the 19th of *September* last past, came *Henry Larimore* Sen. to me, and giving me a Warrant from *Sir Richard Pigott* to Search, commanding me (amongst others) to search *Mr. Hawkins's* House for some Money and Goods which he had lost; and when I saw his Warrant, I went to *Thomas Beamsly* Tything-man, and charged him, with three or four others, to assist me, and coming to *Mr. Hawkins's* House, he denying to open his Doors, I broke them open, and I went into his House, and *Henry Larimore* Sen. did find in a Basket this Gold Ring, and Five-Shilling Piece of Silver, (*Mr. Hawkins* himself being by whilst he found them) so we had him before *Sir John Croke*, who committed him to Prison, and so on Sunday Morning we brought him to *Alisbury*. This also was sworn by *Dodsworth Croke*, Esq; *Thomas Beamsly*, and young *Larimore*.

L. C. B. Said to me, will you ask these Witnesses any Questions?

Hawk. Yes, My Lord (if I may be permitted.)

L. C. B. You may go on to your Questions.

Hawk. I humbly thank your Honour.

Hawk. *Mayne* Constable, did *Larimore* desire you to search my House alone, and did he then tell you, that he saw me rob him the Day before?

Constable. *Larimore* did desire me to search several Houses, but did not say, to me that he saw you rob him.

Hawk. Where is the Warrant upon which you broke open my House? I desire to see it.

Const. Here it is,

Hawk. Was it *Larimore* himself that found the Ring and Five-Shilling Piece?

Const. It was *Henry Larimore* the elder that found it.

Hawk. Was I in the same Room when he found them?

Const. You were in the same Room when he found them.

Hawk. This was proved false, by *Mr. Charles Wilcox*, and *Nicholas Faulkner*, which Persons kept me in the Hall, whilst they pretended to find them in the Buttery.

Hawk. Constable, why did you compel me to go before *Sir John Croke*, which you knew was my Adversary?

Const. We did not force you before him.

Hawk. This I proved to be so, by *Michael Reed* Gent. *Mr. Tho. Saunders*, *Mr. Wilcox*, *Mr. Goulder*, *Robert Casemore*, and many others that saw it.

Hawk. Constable, Why did you advise the Jaylor, *Mr. Burch*, to load me well with Irons?

Const. I did not advise him to do so.

Hawk. Pray, my Lord, ask the Jaylor, *Mr. Burch*, what the Constable said to him, when he brought me thither.

Clerk. *Mr. Burch*, inform the Court what the Constable said to you, when he brought *Mr. Hawkins* to you as a Prisoner.

Jaylor. (My Lord) when the Constable delivered *Mr. Hawkins* to me, on Sunday morning, he said, that *Mr. Hawkins* was a notorious Picklock, and that he was confident he could pick every Lock about the Prison, and therefore he advised me to watch him narrowly, and load him well with Irons.

Thomas Beamsly being Sworn, his Evidence being the same in effect with the Constable's

Constable's, for Brevity's sake I omit, but I craved leave to ask him a Question or two, which being granted, were as followeth.

Hawk. *Beamsly*, Pray what Discourse had you with Mr. *Wilcox* upon the 19th of *September*. (presently after my House was broken up) concerning the time when, (as your Brother pretended to you) he lost the Ring and Five-Shilling Piece of Silver?

Beamsly. He did not remember that he had any Discourse with Mr. *Wilcox* about that.

Hawk. Did you not say to Mr. *Wilcox*, that your Brother *Larimore* told you that he had lost the Stone Ring, and Five-Shilling Piece of Silver, which (as he pretended) was found in my House before the difference began betwixt me and your Brother; and moreover that your Brother said he had an Intent to search for the same a Month before?

Beamsly replied, that he did not remember any such Discourse.

Hawk. My Lord, may I be heard a Word or two?

L. C. B. You may go on.

Hawk. I humbly thank your Honour.

Hawk. (My Lord) I suppose that I can prove these Particulars.

1. That *Larimore* told *Beamsly* that he had lost this Gold Ring and Five-Shilling Piece of Silver (now in Question) before there was any difference between *Larimore* and my self, which began in *Michaelmas* Term 1667. this was proved by Mr. *Wilcox*.

2. And that *Larimore* confess'd (upon his Oath) before Sir *John Croke*, (upon the 19th of *Sept.*) when I was committed, that he lost the said Ring and Piece of Silver about a Month before, which must be about *Aug.* 19. This was proved by Mr. *Browne*, *Faulkner*, and others.

3. I can prove that *Larimore* told Sir *Richard Pigott*, (when he went for his Warrant to search) that he did suspect several Persons for robbing him of this Gold Ring and Five-Shilling Piece, and that I was only one of the suspected Persons, this Sir *Richard Pigott* did acknowledge to be true.

But now he swears that he saw me steal the Gold Ring and Five-Shilling Piece out of his House on *Friday* the 18th of *Sept.* an Hour and half before Sun-set, 1668.

Hawk. I pray my Lord, and you that are of this Jury, take notice of this, and compare the times out of his own mouth; but more of this when I come to make my Defence.

L. C. B. *Larimore*, have you any more Witnesses?

Lar. Yes my Lord.

L. C. B. Call them, who are they?

Lar. Call *Margaret Larimore*.

Clerk. Cryer, call *Margaret Larimore*, the Wife of *Henry Larimore*,

Cryer, *Margaret* the Wife of *Henry Larimore*. She being sworn, said, that when she was a Servant to *Larimore*, which now is her Husband, she had seen Mr. *Hawkins*, at several unseasonable Hours in the Night (when her Master was in Bed) lying lurking in and about her Master's House, Yard, Windows, and Doors, and said that she believed he lay there for no good Intent.

Hawk. My Lord, may I ask this Woman a Question or two?

L. C. B. You may do so, if you please.

Hawk. I humbly thank your Honour: I'll promise you to be brief.

Hawk. At what time was it, *Margaret Larimore*, that you saw me lurking in your Master's Yard as you have said?

Marg. Lar. It was in the Night time.

D

Hawk.

* Here Larimore prompts his Wife, which I told my Lord, for which he checked him.

Hawk. But how long may it be since? *

Marg. Lar. I can't tell, it might be about the time that my Master was Robbed.

Hawk. Did you speak, or call to me when you saw me there?

Marg. Lar. No, for I was affrighted at it; this same was also sworn by *Richard Mantill*, alias *Miles*, Son in law to the said *Larimore*, and also by *William* his Son, which for Brevity's sake I omit farther to relate.

L. C. B. Lar. Have you any more?

Lar. (Yes my Lord) to prove that this Ring and Five-Shilling Piece is mine?

L. C. B. Call them, who are they?

Lar. (Esq; *Dodsworth*, Sir *John Croke's* eldest Son,) and *Mr. Good*, Minister of *Long Crendon* my Lord.

Clerk. Cryer, Call *Dodsworth Croke Esq;* and *Edward Good* of *Long Crendon*, Clerk, both answered, here Sir. They both being Sworn, *Mr. Dodsworth Croke* said as followeth; taking the Ring in his hand, turned it up and down, and looked very narrowly upon it within and without, and put it upon his finger and pulling it off several times in the face of the Court and Country, he then informed my Lord, that he was confident, that this was *Larimore's* Ring and for his Proof and Credit, tells the Court that he had pawned it to *Larimore*.

Mr. Good took the Five-Shilling Piece into his Hand, and swore, that he being at *Buckingham Sessions* last, about some trouble, which I had put him to, [A Riot for entering my Church] He then wanting some money, did pawn a Five-Shilling Piece to this *Larimore* for other Money, and he desiring of him to take care that he had the same Piece again, *Larimore* told him that he put a mark upon it; so seeing a mark upon this Five-Shilling Piece, he swore that he did verily believe that this was the same Five-Shilling Piece which he had pawned to *Larimore* at the Sessions before.

L. C. B. Said to me, Sir, if you will ask the Witnesses any Questions, you may?

Hawk. I humbly thank your Honour for that freedom, but I do humbly conceive that the proving of the last point, viz. that the Ring, and Five-Shilling Piece was either *Larimore's* own Goods, or pawn'd to him, is not much material to my Case, for I am free to confess, (as much as I can have ground to believe) which is, that *Larimore* might have the Ring and Five-Shilling Piece of Silver in his Possession, but the Charge against me is, that I stole them from him, which I do flatly deny, and do not doubt of clearing my self when I come to my Defence, if I may be heard.

L. C. B. Sir, you need not question but you shall be heard.

Hawk. I humbly thank your Honour, and crave leave to be heard a Word or two (if it be not unreasonable)

L. C. B. You may go on.

Hawk. May it please your Honour, and the Jury, to take notice that *Mr. Good* swears he believes this to be the Five-Shilling Piece that he pawned to *Larimore* last Sessions at *Buckingham*; but I desire to know if *Larimore* swears that this is that Piece which *Mr. Good* pawned then to him, for he best knows.

L. C. B. Larimore, what say you to that?

Lar. My Lord, I do swear that this is the same Five-Shilling Piece which *Mr. Good* pawned to me, the last Sessions at *Buckingham*.

Hawk. Then my Lord, and the Jury be pleased to observe, That Sessions was held upon the 9th and 10th of July, 1668. but the Difference between me and *Larimore*, for (Tyths) was begun in *Michaelmas Term*, 1667. which is near nine Months before that Sessions; and notwithstanding, *Larimore* did say

say to his Brother *Beamsly*, upon the 19th of *September*, that he had lost this very Ring and Five-Shilling Piece of Silver before the difference began, which is impossible (My Lord) as appears by the Oaths of *Larimore* and Mr. *Good*; for how could he be robbed of that Five-Shilling Piece nine Months before he had it? And that he did say these very Words to his Brother *Beamsly* I have already proved, by the Testimony of Mr. *Wilcox*.

L. C. B. Said: Mr. *Hawkins*, was this Suit for Tythes begun by you against this *Larimore* before the time that *Larimore* swears this Felony was committed.

Hawk. Yes, my Lord, for I began that Suit for Tythes in *Michaelmas* Term, 1667, and *Larimore* swears that I robb'd him upon the 18th of *September*, 1668, which is (My Lord) about a Year after. My Lord, it is an easy way thus for the Fanaticks to pay Tythes, if they can but hang up the Clergy, they may cease all their future Pleading for Liberty of Conscience.

Now *Larimore* began to stumble, and shew his malice in prosecuting me unjustly, by his multiplying of feigned Felonies wherewith he did (then endeavour to) load me, of which I appeared Innocent.

L. C. B. *Larimore*, have you any more?

Lar. Yes my Lord, pray call *John Chilton*.

Clerk. Cryer, call *John Chilton*.

Cryer. *John Chilton*, who answered here Sir, and being sworn, my *L. C. B.* said to him, come *Chilton*, what can you say to this Business?

John Chilton said, (My Lord) I can say nothing, but that I am paid for my Boots.

L. C. B. What Boots?

Chil. My Lord, I am paid for my Boots.

L. C. B. Our Business is not now about Boots; but however, come, and tell me what thou meanest by them?

Chil. My Lord, Mr. *Hawkins* brought me a pair of Tops, to put new Legs to them, which I did, and he coming by my Shop; told me he wanted his Boots: I reply'd they were done; but I being then about to go out, did promise Mr. *Hawkins* to lay them in my Window, so that he might take them as he went home; which accordingly he did: And when I came Home, I went to Mr. *Hawkins*, who (at that time) was at Sir *John Croke's* House, where he contented me for my Work before we parted, and this is all that I can say, my Lord.

L. C. B. What is this to the purpose? Can you say any more *Chilton*? If you can, go on.

Chil. My Lord, Mr. *Hawkins* paid me honestly for the Boots: but as soon as he began to demand the Tythes of *Larimore*, and did sue for them, then they lay at me Night and Day, to have me charge Mr. *Hawkins* with flat Felony, for stealing the said Boots out of my Shop; but I told them, that I laid them in my Shop-window for him, and did bid him take them as he came back, and he paid me for my Work; and therefore I cannot say he stole them.

L. C. B. Who were they that desired you to charge Mr. *Hawkins* with the stealing of your Boots?

Chil. This *Larimore*, Mr. *Dodsworth Croke*, *Richard Mayne* the Constable, *Miles*, and *John Sanders*, (who is since dead, my Lord)—*Larimore* here interrupted *Chilton*, and said, my Lord, I have five or Six Witnesses that can prove that all this is false that *Chilton* hath sworn.

L. C. B. Call them, for I'll here all, if I fit till Night.

Then *Larimore* call'd *Dodsworth Croke*, *William Croke*, *John Stop*, *Thomas Welob*, *Samuel Salter*, and *William Sanders*, all these being sworn, the Sum and Substance of their Evidence was to this effect.

That

That they had heard *John Chilton* say that I had stol'n a pair of Boots from him, to which *Chilton* (being then upon his Oath) said, that *Mr. Hawkins* did no otherwise than what before I have sworn; and he farther added, that he never said that I had stol'n any thing from him, for he had no reason for it.

L. C. B. Did this *Larimore* desire you to charge this *Mr. Hawkins* with Felony, and when did he desire you to do so?

Chil. My Lord, *Larimore*, and the rest that I have named desired me to charge *Mr. Hawkins* with flat Felony, for stealing the said Boots, as soon as he demanded the Tythes of *Larimore*; and they would have forced me to fetch a Warrant from a Justice of Peace to search for them, and did farther threaten me, in case I would not do it that *Sir John Croke* would indict me at the Assizes as one accessory to the stealing of my own Goods.

L. C. B. Was *Larimore* one of them?

Chil. Yes, my Lord, and he said, that he would make me swear that *Mr. Hawkins* had stole my Boots, and for that end did serve me with a *Subpoena* to be here—Here *Larimore* the second time interrupted *Chilton*, and said, (My Lord, this Fellow, pointing at *John Chilton*, is hired by *Mr. Hawkins* to swear this.

Chil. Replied, No My Lord, I am not hired by *Mr. Hawkins*, to swear, but I might have been hired, or born out, if I would but swear that *Mr. Hawkins* stole my Boots, by one *Croxstone*.

L. C. B. How! what is that; hired, or born out to swear, by whom, and how, tell me the story?

Chil. My Lord, I am not hired to swear by *Mr. Hawkins*, but if I would swear that he stole my Boots out of my Shop, I might have been born out in so doing. For *Tho. Croxstone* of *Weston* on the Green in the County of *Oxon*, told me upon *Monday* last, it being the 8th of *March*, 1668. that if I would but swear what he would have me against *Mr. Hawkins*, viz. that he stole my Boots, he would bear me harmless; but I replied, that it went against my Conscience to do it; I added farther, that, if I should be so wicked as to swear it, *Mr. Hawkins* can prove the contrary by *Mr. William Croke* and others; to which *Larimore* replied, that I need not fear what *Mr. Croke* knew in that case, for he is one of us, and will not justify any thing that may tend to our prejudice; I farther told him that I durst not do it, for if I should, *Mr. Hawkins* might make me fly the Country, as *Smart* did *Wheeler*. To which *Croxstone* replied, that if I would swear it, he would bear me out against the said *Mr. Hawkins* as far as an hundred Pound would go; and if that would not do, as far as five hundred Pound would go.

L. C. B. How! bear you out to swear, what *Croxstone* is this that would do so? This is not likely to be true.

Tho. Croxstone said, (My Lord) I said no such thing.

L. C. B. I do not believe it to be true.

Chilton run in, and said, As I live and breathe, my Lord, *Croxstone* did say, if I would swear that *Mr. Hawkins* had stole my Boots, he would bear me out, as I said before, and if I made any doubt of it, he would give me Bond to make good his Promise.

L. C. B. said, This is strange.

Croxstone. (My Lord) I said I would bear him out in speaking the Truth, and no otherwise.

Hawk. My Lord, may I be heard?

L. C. B. Yes, you may go on.

Hawk. I thank your Honour. My Lord, pray let me ask *Mr. Croxstone* two or three Questions.

L. C. B.

L. C. B. So you may, go on.

Hawk. Mr. *Croxstone*, do you confess that you did promise to bear out *Chilton*, as you said before, in swearing the Truth?

Croxstone. Yes, Sir, I did, and no otherwise.

Hawk. Was it not about the Boots?

Croxstone. Yes, Sir, it was so.

Hawk. Did not you desire *Chilton* to swear that I had stol'n his Boots, after that he had told you I had paid him for them, and thereupon promise to bear him out against me, in 100 or 500*l.*

Croxstone. I think it cannot be proved against me.

Hawk. I pray, my Lord, and you of this Jury, consider that this *Chilton* is one of *Larimore's* Witnesses, and swears for the King, and yet he swears that he had given me Orders to take those Boots, and that I then paid him for legging of them, and that he had repeated this to *Larimore* and *Croxstone* several times; and after all this, *Larimore* and *Croxstone*, with others, us'd their utmost endeavours to persuade *Chilton* to charge me with Felony, for stealing them, and *Croxstone* promised to bear him out in so doing, as far as 100*l.* would go, and if that would not do, as far as 500*l.* and give him Bond for his Security, &c. My Lord, if this amounts not to a Subornation, I am mistaken. But, my Lord, I have two Witnesses more, to prove the same against Mr. *Croxstone*, and I pray that they may be heard.

L. C. B. Who are they?

Hawk. *Anne Scoly*, and *John*, the Son of Mr. *Tho. Sanders*. Both these, being called, justified in Court what *Chilton* had sworn against Mr. *Croxstone*: Upon which my Lord Chief Baron said to *Croxstone*, Come, you did ill to solicit Persons to swear these things which you knew were false; and he farther added, That this made not for the King, but rather for the Prisoner at the Bar. After all this, a rude Fellow (*Tho. Welch*) came in, and said, My Lord, I did hear *Chilton* say, that Mr. *Hawkins* had stole a pair of Boots from him.

L. C. B. What, more Boots still? Come, *Larimore*, have you any more?

Larimore said, Yes, my Lord, one Mr. *Boyce*, who being sworn, said, That at a certain Time, he coming into a House at *Chilton*, found this Mr. *Hawkins*, now the Prisoner at the Bar, and one *James Noble*, (which *Noble* was then drunk, and asleep upon a Bed) and I saw Mr. *Hawkins* have his Hand in *Noble's* Pocket, and the said *Noble* told me, that at that time he lost a Gold Ring, and a piece of Gold out of his Pocket.

L. C. B. said to me, Sir, what say you to that?

Hawk. My Lord, I desire to know if there be any Bill or Indictment against me for it.

Clerk. There is none, my Lord, that I do know of.

Hawk. I desire, my Lord, that *Noble* may be sworn, if he be here.

Lar. He is not here, my Lord.

L. C. B. Why was not that *Noble* here himself to prosecute?

Lar. I could not find him, my Lord.

Hawk. I desire to know whether *Boyce* came hither of his own accord, or if he be *Subpœna'd* to be here? If so, by whom? and who bears his Charges?

Boyce. I was *Subpœna'd* by *Larimore*, and he bears my Charges, my Lord.

Hawk. How long was it since, Mr. *Boyce*, that you saw my Hand in *Noble's* Pocket, as you said before?

Boyce. It may be near two Years ago, my Lord.

Hawk. Did you see me pick or take out of the said *Noble's* Pocket, the said Ring, or piece of Gold, or any thing else.

Boyce. I saw your Hand in *Noble's* Pocket, but did not see you take any thing out of it.

Hawk. Did *Noble* ever tell you that I had pick'd his Pocket of the said Ring, or piece of Gold, or any thing else?

Boyce. No, but he said he lost them at that time.

Hawk. But you say that *Noble* was drunk at that time, and if so, it's possible he might be mistaken.

Boyce. So he was drunk, and asleep likewise.

L. C. B. I think you were all drunk.

Hawk. *Boyce*, you might have done well, to have told Mr. *Noble* of this, when he told you that he had lost his Ring, and piece of Gold; but can you say any thing touching *Larimore's* being robb'd, or do you know that I am the Person that robb'd him?

Boyce. No not I, my Lord, I cannot charge him.

Hawk. But you say that *Larimore* Subpoena'd you to be here, and that he bears your Charges.

Boyce. Yes, my Lord, and so he does.

Hawk. Mr. *Boyce*, if this be all you can say for *Larimore*, you will hardly requite his Charges.

Hawk. My Lord, may I be heard as to the Evidence of *Boyce*?

L. C. B. You may, go on.

Hawk. I humbly thank your Honour.

Hawk. This *Boyce* swears, my Lord, that about two Years last past he saw my Hand in *Noble's* Pocket, and that *Noble* told him, he then lost a Gold Ring, and piece of Gold. My Lord, I think (with Submission to your Honour and the Court) I am not bound to answer to this Charge, because there is no Indictment exhibited against me for it; nor is *Noble* himself here to prosecute, or can *Boyce* swear that I pick'd *Noble's* Pocket, or that *Noble* ever told *Boyce* I did, as he himself swears. But, my Lord, I observe in this the Malice of *Larimore's* Heart, as well as in that of the Boats; for *Boyce* swears that he can say nothing to *Larimore's* Bill of Robbery, and yet he forces him to come from *London* hither, to start a senseless Story about *Noble's* Ring, and Gold, which is of near two Years standing. My Lord, if there had been any Truth in it, why was not *Noble* himself here to prosecute? and why did he let it rest so long? I say again, my Lord, if it had been true that I had pick'd *Noble's* Pocket, and if *Larimore* had known it, I pray, my Lord, and you of the Jury, what had that concern'd *Larimore*? But, my Lord, I am as clear of picking *Noble's* Pocket as I am of stealing *Chilton's* Boots, and as clear of both these, as I am of robbing this Fellow *Larimore*, that now calls my Life in Question; nay, if he can fairly prove me guilty of one, I am willing to suffer as guilty of all.

My Lord, I am bold to appeal to your Honour, whether it be a fair Prosecution in *Larimore*, to stir up *Chilton*, falsely, to charge me with Felony in stealing his Boots, when I had not only a right in them, but also leave from him to take them, and paid him for his Work, which *Larimore* himself knows. Nay, my Lord, if I had never paid *Chilton* for his Legs, the Tops being mine, by Law it had not been Felony, but a Trespass, because I had leave from him to take them, and a right in them the Tops being mine. And again, my Lord, I appeal to your Honour, whether it be fair in *Larimore* for him to ride up and down City and Country, to bring a Multitude of Witnesses together, that can say nothing to his Bill, as *Boyce* swears he cannot? If this doth not discover Malice in a Prosecutor's Heart, I know not what doth, and if that appears to your Honour and the Jury to be in him, how far that ought, as well by Law as Equity, to frustrate his Evidence, I am willing to leave to your Honour, and the Jury; and so I have done as to *Boyce's* Evidence.

L. C. B. *Larimore*, have you any more?

Lar.

Lar. Yes, my Lord, *John Cox*, and *Francis Lucy*. They being both sworn, *John Cox* said, My Lord, I being in Mr. *Hawkins's* Company not long since, one asked him, how he thought to come off at the Assizes? Mr. *Hawkins* replied, He cared not much for this Plot, tho' he should be convicted, for they could but burn him in the Hand for it, and that he could bite out.

Lucy, being sworn, said, That he heard Mr. *Hawkins* confess that he owed *Larimore* 15 s. but because he had dealt so unjustly with him, he would make it cost *Larimore* fifteen times 15 s. before he would pay him.

L. C. B. said, This makes little to the purpose.

Come, *Larimore*, have you any more?

Lar. I think not, my Lord.

L. C. B. If you have any more Witnesses call them, and they shall be heard, and do not say when I am gone that your Witnesses could not be heard.

Lar. My Lord, I confess they have been fully heard, and I have no more to say.

L. C. B. said to me, Sir, you have heard the Indictment against you, and the Evidence to prove it, you have heard the Charge, now say what you can for your own Defence, and you shall be heard.

Hawk. I humbly thank your Honour; and I hope, my Lord, because the Evidence is large, I shall have the more time allowed me to make my Defence, and if so, I doubt not but fully to open this Conspiracy.

L. C. B. Do not fear that, for as they have been heard at large, so shall you likewise, God forbid else.

Hawk. I humbly thank your Honour, and do promise to be as brief as conveniently I can; and as I intend to offer nothing but the naked Truth, so I will say no more, if I am not misinformed, than I can prove to be true. And, my Lord, because it may seem necessary for me to offer many things, by way of Defence, in Answer to so great a Charge; to save time, I pray, that it may not be expected by your Honour, or the Jury, that I should call Witnesses to prove every Particular; but when I offer such things as are most material, if either your Honour or the Jury be not fully satisfied, touching the Truth of such material Points, I do humbly pray that I may be called upon to prove them; for when I am not called upon for Proof, I shall, under favour, my Lord, take it for granted that I am believed. And for Method herein, if I may have leave, I do intend this.

1st, In general, to shew how improbable it is, that I should be guilty of this Robbery, and also deliver some hints to move the Court and Jury to question whether this Prosecutor, *Larimore*, was robbed at all, or no?

And 2^{dly}, More particularly to examine the Evidence, as to Matter of Fact.

L. C. B. Go on, Sir, to your Defence.

Hawk. May it please your Honour, and you of this Jury, I begin with the first part of my Defence, which is, to hint how unlikely it is that I should be guilty of robbing this *Larimore*.

I. *Larimore* is generally known to be a notorious Anabaptist, and an Enemy to the Church of *England*, and a Hater of the Ministry in general; but more particularly, he is most envious and malicious against my self, because I sued him for Tythes, and caused him to be indicted for not coming to Church, or baptizing his Children; for which reason his Malice against me hath appeared notorious several ways, as, amongst others,

1. By dissuading all that owed me any Money, not to pay me.
2. By his inducing those, to whom I owed Money, to arrest and trouble me.
3. By dissuading those that I sued for Tyths, not to agree with me; he promising them, that Sir *John Coke* and himself would force me to run the Country, e'er long.

4. By

4. By his continual tormenting and vexing me with his false Arrests, and illegal Indictments.

5. By his constant endeavour to dissuade my Friends from any ways relieving me or mine in my greatest Wants and Necessities, advising them to starve us.

My Lord, and this Jury, if you are not fully satisfied in any of these Particulars that I have alledged, I am ready to prove them; but if this be granted, they are, no doubt, sufficient Arguments to prove the Malice of his Heart. Again I say, that it is no ways probable that Larimore was robbed, at all, and of this Opinion are most of his Neighbours round about him, as may appear by this Certificate, which followeth.

WE do humbly certifie, that Henry Larimore of Chilton in the County of Bucks, Labourer, is a notorious Anabaptist, an Enemy to the Church of England, and a perfect Hater of all Ministers of the same, but in particular, most inveterate and malicious against Robert Hawkins Clerk, late Minister of the Church of Chilton, aforesaid; for that he doth not only seek and design utterly to ruin the said Mr. Hawkins, himself, but makes it his Business, and daily Practice, to instigate others to do the like, and for no other Cause, as he hath often confessed himself, but for that the said Mr. Hawkins hath caused him to be indicted for not coming to Church, and sued him for Tyths. And we do verily believe, and are fully satisfied in our Consciences, that the said Mr. Hawkins is not at all guilty of the pretended Felony, in stealing the Ring, and piece of Silver, which the said Larimore hath charged him with, but that it is a mere Contrivance, inchoated and set on foot by the said Larimore, Sir John Croke, and others, on purpose to revenge themselves. And we do also believe that the said Mr. Hawkins is a very honest Man, and that he is a very able Minister, and a true and faithful Labourer in God's Word, never heard that he was ever suspected, in the least, of Felony, till this malicious Prosecution, which is by the said Larimore, and others, whom the said Mr. Hawkins sueth for Tyths.

Witness our Hands, March 8. 1668.

Michael Read, Gent.
William Read, Gent.
Mrs. Bulstrode, Widow.
Mr. John Bulstrode.
John Turner.
Joseph Parsons.
Nicholas Faulkner.
Mr. William Bulstrode.
John Chilton.
The Widow Paverell.
Robert Sanders.
Christopher Hinton.
John Mortimore, Sen.
Mr. John Daniel.
Mr. John Clarke.
The Widow Clare.
William Landsdell.
William Bouden.
John Newman.
Thomas Coles.
The Widow Newman.

Robert Barlow.
Theophilus Sanders.
John Sanders.
John Mortimore, Jun.
Mr. Henry Golder.
Mr. Thomas Sanders.
Mr. Henry Lovell.
Mrs. Lovell, Widow.
Owen Gibson.
Mr. Tho. Sanders, Sen.
Robert Casemore.
Edward Jarvice.
Thomas Green.
Edward Barker.
John Grace.
John Freeman.
Richard Carr.
John Carr.
John Acreman.
Thomas Whyte.
Thomas Ludet.

The Widow Meades.	Robert Willet.
Richard Toms.	William Neighbour.
Joseph Nero.	William Chittle.
Richard Low.	Henry Parker.
John Cullledge.	William Ash.
Richard Waude.	John Golder, Jun.
Theophilus Hinton.	William Golder.
Edward Clarke.	William Tipping.
Jeffery Hart.	Richard Goodwyn.
Richard Budd.	John Bosly.
John Budd.	Moses Collings.
Thomas Higgs.	Roger Carr.
Roger Gye.	John Cato.
Robert Coxhead.	William Hayward.
William Hitchcock.	Edward Hollyman.
John Powell.	Abraham Quelch.
Luke Turner.	John Pym.
Richard Badger.	John Carter.
John Golder.	William Toms.
John Newton.	Robert Budd.
William Collet.	William King.
John Beckley.	Cadwalader Crawton.
Richard Kemp.	William Ash.
The Widow Acreman.	Thomas Whyte, Sen.
Robert Flint.	Thomas Whyte, Jun.
William Beckly.	David Turner.
Robert Hicks.	Jonathan Hand.
John Barney.	John Young.
Robert Steele.	John Bedford.
Stephen Toms.	John Norcutt.

By this Certificate, which you see subscribed with above an hundred Names, wherein many others (for Brevity sake) are omitted. Altho' I made no use of it upon my Tryal, yet that the World may see what an Opinion *Larimore's* Neighbours had concerning him and his pretended Robbery; which Certificate I have for that purpose here inserted.

II. It is not likely that *Larimore* was robb'd at all, because he did not declare it to his Neighbours immediately, which doubtless he would have done, had any such thing befallen him.

III. Nor is he certain as to the time when he was robbed.

For 1. He told his Brother *Beamsly* that he had lost the Ring and five Shilling Piece in Question, before there was any Difference between him and I. As may appear by this Certificate, under Mr. *Willcox's* own Hand, which is as followeth,

THES E are to certifie all whom it may concern, That Tho. Beamsly of Chilton, Tything-man, told me, Charles Wilcox of Long-Crendon, (upon September 19. in the 20th Year of his Majesty's Reign, An. Dom. 1668.) That the five Shilling Piece of Silver, and the Stone Ring, which *Larimore* pretended he found in Mr. Hawkins's House, were both lost before there was any Difference between the said *Larimore* and the said Mr. Hawkins; and he farther added, That his Brother *Larimore* told him, that he had an Intent to search

for the same Ring, and five Shilling Piece, above a Month before he did. This I can and will depose, whensoever I shall be thereunto required.

Witness my Hand,
Octob. 8. 1668.

CHARLES WILLCOX.

By this Certificate, it appears (by *Larimore's* own Confession to his Brother *Beamsly*) that he had lost this Ring, and five Shilling Piece, before there was any Difference between him and I, and seeing I began my Suit for Tyths in *Michaelmas* Term, 1667. against him and others, as it is well known to the Inhabitants of *Chilton*, and also may appear by the Records of the Exchequer.

This is the first time that *Larimore* said he had lost the Ring and five Shilling Piece.

And that this is false must needs appear by what Mr. Good and *Larimore* have already sworn in open Court, viz. That Mr. Good pawned the five Shilling Piece to *Larimore* at *Buckingham* Sessions last, (which Sessions were held upon the 9th and 10th of July, 1668.) which is near nine Months after the Difference began.

And moreover, *Larimore* confessed upon his Examination before Sir *John Croke*, when I was committed, (which was upon the 19th of September, 1668.) that he had lost the Ring and five Shilling Piece a Month before, which must consequently be about the 19th of August, 1668; and if so, how is it possible that he could have lost them before the Difference began betwixt us, which was above ten Months before he had them?

III. He now swears in open Court, that he saw me steal the said Gold Ring and five Shilling Piece of Silver out of his House, upon Friday the 18th of September, 1668. precisely an Hour and half before Sun-set; all which times being compared together, can no ways be possible; for which I dare appeal to all that hear it. Nor is it likely, in case he could prove that he was robb'd, which I am confident he never can, that I am the Person that robbed him; as may appear upon these Considerations, amongst others.

1. Is it likely that I should commit a Robbery in my own Parish, in the Day time, where all that saw me must needs know me, and at the House of such a Person as this *Larimore* is, that had solemnly swore but a little before that he would take away my Life, as may appear by what his Son said to *Anne Scoly*?

2. Is it probable, that if I were guilty, I would not have made my Escape, having twenty four Hours time, and four or five Hours notice after they first attempted to search my House? Or that in all that time I could find no better Place to conceal a Ring, and five Shilling Piece, than in a little Basket, with two or three Eggs, which all that time was hanging upon a Pin.

Again, if *Larimore* saw me rob him upon the 18th Day of September, 1668. as he swears he did, why did not he then secure me? He swears I ran away, why did not he send out Hue and Cries to discover and apprehend me? But the said *Larimore* was so far from doing it, that he never declared it to any of his Neighbours, nor to the Constable when he commanded him to search, as may appear as well by the search itself, in that they searched other Houses before they searched mine, as by the Constable's Oath, who swears that *Larimore* said not any thing to him that he had seen me rob him, nor did the said *Larimore* declare it to Sir *John Croke*; for if he had, Sir *John*, no doubt, would have inserted it in the *Mittimus*, which he hath not done: Nor did he declare it to Sir *Richard Pigott*, from whom he fetch'd his Warrant to search, as may appear by the Contents of it.

Where-

Whereupon my Lord Chief Baron *Hale* calling to the Constable for the Warrant, which being delivered, the Judge himself immediately espied that the said Warrant bore Date a Day before the Robbery was committed, which when my Lord observed, he asked *Larimore* if he fetched this Warrant to search for this Ring and five Shilling Piece? To which *Larimore* replied, He did; and then my Lord asked *Larimore* upon what Day he was robbed? He replied, Upon *Friday* the 18th of *September*, 1668.

L. C. B. How comes it then to pass, *Larimore*, that the Warrant bears date the 17th Day, and you swear that the Prisoner at the Bar did not rob you till the 18th Day? This is likely to be true.

Larimore to this replied, That he was robbed at several other times.

Hawk. My Lord, may I be heard a Word?

L. C. B. You may, go on.

Hawk. I humbly thank your Honour. And I hope the Jury will take notice how *Larimore* hath ensnared himself, by the Date of the Warrant, which my Lord first discovered. And whereas *Larimore* replies, that he was robbed at several other times, he may have credit, but by those only that can believe all that he hath said and sworn; For he saith that he was robbed before he and I differed, which must be before *October*, 1667. and he told Sir *John Croke* likewise when I was committed, that he was robbed of the foresaid Goods but a Month before, which must needs be about the 19th of *August*, 1668. but now he swears in Court, that he saw me steal these Goods on *Friday*, the 18th of *Sept.* 1668. which must needs be impossible, that I should rob him at three several times of the same Ring and Five-Shilling Piece; and besides this, it is improbable, that he should be robbed before *October*, 1667. and again in *Aug.* 1668. because he never declared any of these Robberies to any person, before the 16th of *Sept.* 1668. upon which Day he and Sir *John Croke* concluded upon this Conspiracy, as hereafter I shall make appear; And moreover, *Larimore* himself confessed even now, that he fetch'd this Warrant to search for this very Ring and five Shilling Piece, which now he denies. By this all may see how notoriously he contradicts himself.

L. C. B. said to *Larimore*, Thou art very cunning, to be provided with a Warrant a Day before you was robbed. It seems you knew upon the 17th Day that you should be robbed on the 18th Day, and also that this Person now at the Bar should rob you. Surely you can divine. [Here the People began to cry out Shame on *Larimore*.]

L. C. B. said to me, Sir, but if you were innocent of this Robbery, why did you refuse to open your Doors, or to have your House search'd?

Hawk. My Lord, I had several Reasons that moved me so to do.

1. In general, Most of those Persons that were present were my inveterate Enemies, and several of them had threatned to ruin me and my Family, and therefore I had Reason to suspect that they came to injure me, either in my Possession or Goods: For the first, Sir *John Croke* and *Larimore* had often threatned to pull down my House, and for that end had hired several Persons to make a forcible entry upon it; and particularly, they had lately hired *Faires* the son of *Leonard Styres* of *Thame*, in the County of *Oxon*, by a Ladder to climb up and come down my Chimney, and open my Doors when we were all abroad: And about the same time they also contracted with one *Christopher Tyler* of *Chilton* for the same Purpose. And 2. I feared the seizing of my Goods by the said Persons, because they had then a Writ of *Levari* or Execution to seize them, which *Larimore's* Son had a few Days before in part executed, and he was then present. And if these Reasons are not sufficient, I have more to justify my Act, in refusing to have them search my House, which

was all my Lord I ever denied, for I then declared my self willing that Mr. *Sanders* the other Constable, he being then at the next Door, might charge whom he pleased, and search as narrowly as he could.

L. C. B. Said, Mr. *Hawkins*, can you prove what you have said?

Hawk. Yes, my Lord, which Particular shall I prove?

L. C. B. Prove that about the Ladder, if you can.

Hawk. I pray my Lord, call *John Acreman*: He being called, did fully justify what I said concerning their intended forcible Entry, and added farther, that he did help to set up the Ladder for that purpose, being called by Sir *John Croke*'s own Sons, they and *Larimore* standing by all that time to watch, And touching the second Particular, concerning the seizing of my Goods, Mr. Sheriff himself can justify, that they had then in their hands such a Writ: my Lord he is in Court, if your Honour please to call him.

And for the 3^d Particular, that I shewed my self willing that Mr. *Sanders* should search, I can prove, my Lord, by these Witnesses following, viz. *Michael Reed*, Gent. Mr. *Thomas Sanders*, Mr. *Henry Golder*, *Robert Casmore*, Mr. *Charles Wilcox*, and several others that were present. My Lord Chief Baron hearing these Reasons fully proved, commended my Discretion, in not opening my Doors; and he added farther, that he should have done as much himself, saying it was a foul Business, and the Judge (then looking towards Sir *John Croke* with an angry Countenance,) said to me, Sir, is this Sir *John Croke* concerned in this Business?

Hawk. If it may please your Honour my Lord, with Permission, I suppose that Sir *John Croke* is deeply concerned in this Conspiracy, and I doubt not but to make it appear to the World, if I may be heard.

L. C. B. You need not fear that, for you shall have time, go on.

Hawk. I humbly thank your Honour; and I crave leave to call two Witnesses, viz. Mr. *Charles Wilcox*, and Mr. *Samuel Browne*; both these being called, Mr. *Wilcox* said, If it may please your Honour, my Lord, upon Friday the 18th of September 1668. I was at *Larimore*'s house in *Chilton*, from Noon till it was near Night, with *Larimore*, a driving of some Bargain about Tyles, and other things; and, my Lord, Mr. *Hawkins* was not at *Larimore*'s House all that Afternoon, nor did I hear any thing at all then that *Larimore* was robb'd, which, my Lord, I must needs have done, if he had been robbed that Afternoon, for I was there.

L. C. B. At what time came you to *Larimore*'s House, Mr. *Wilcox*? take heed what you say.

Wilcox. Before Noon my Lord.

L. C. B. Mr. *Wilcox*, how long did you stay there?

Mr. Wilcox. Until it was near Night my Lord.

L. C. B. Was *Larimore* with you all that time?

Mr. Wilcox. Yes, my Lord, for we were about to bargain for some Tyles, and other things.

L. C. B. Are you sure that it was upon the 18th of September, that you was at *Larimore*'s House?

Mr. Wilcox. I am sure, my Lord, that it was upon the 18th of September that I was there, and the Day before Mr. *Hawkins*'s House was broke open.

L. C. B. What Day of the Week was it upon?

Mr. Wilcox. It was upon a Friday my Lord, and Mr. *Hawkins*'s House was broken open on the next Day, it being Saturday.

Lar. It was upon Thursday, my Lord, that Mr. *Wilcox* was at my House; it was not upon that day that my House was robb'd, but the Day before.

Sir *Ralph Verney* replied, No, no, *Larimore*, it could not be on the Thursday, that

that Mr. *Wilcox* and you were together at your House, for that was the 17th Day of *September*, and that was the day you was busied in fetching your Warrant from Sir *Richard Pigott*.

L. C. B. It is well observed Sir, and so he was, and therefore it could not be on the *Thursday* that Mr. *Wilcox* was with him at his House.

Sir *Richard Pigott* replied, I am sure, my Lord, that *Larimore*, and that Fellow the Constable were both at my House upon the 17th of *September*, as my Warrant testifieth.

L. C. B. At what time was it, Mr. *Wilcox*, when you came that Day from *Larimore's* House?

Mr. *Wilcox*. It was about Sun-set, my Lord, for it was dark by that time I got to my House at *Crendon*.

L. C. B. How far is it from your House at *Crendon*, to *Larimore's* House?

Mr. *Wilcox*. It is about a Mile and half, my Lord.

L. C. B. Were not the ways bad at that time?

Mr. *Wilcox*. No my Lord, the ways were very Good.

L. C. B. Did not you stop, or stay, or meet with some Body by the way that might hinder you?

Mr. *Wilcox*. No, my Lord, I went a good pace, it being near Night, my Lord, I was afraid of being benighted, and yet it was dark by that time I got home.

L. C. B. You that are of the Jury, do you know this Mr. *Wilcox*, of what credit is he?

Jury. We have known him a long time, and we know no harm by him.

L. C. B. He looks with an honest face; and you *Larimore*, do you know what that honest Man, Mr. *Wilcox* says? do you know him, and did you ever see him at your House?

Lar. Yes, my Lord, I know him well.

L. C. B. *Larimore* do not you remember that he was at your House upon Friday the 18th of *September*, 1668.

Larimore replied, No, my Lord, sure it was not upon that Day that I was robbed.

My L. C. B. *Hale* replied, *Larimore*, no, in my Conscience thou say'st well, for it seems you were not robbed upon the same day, that you have sworn you saw the Prisoner at the Bar commit this Robbery.

Hawk. My Lord, or upon any other Day, as I do verily believe. And here many of the People cryed out, that they believed as much.

L. C. B. If that Man, Mr. *Wilcox*, speaks true, then all is false that *Larimore*, his Son, and Sister have sworn, &c.

Come Mr. *Hawkins* said my Lord Chief Baron, have you any more to say?

Hawk. I have one Witness more, that I desire may be called, viz. Mr. *Samuel Browne*.

L. C. B. Yes, yes, call him, come Mr. *Browne*, what can you say?

Mr. *Browne* said, my Lord, I can say something, but I dare not speak.

L. C. B. Why dare you not? Come, speak the truth; and spare not, and say no more.

Mr. *Brown* said, I dare not speak, for Sir *John Croke*, and this *Larimore* have threatned me, that if I came down to this Assizes, to testify what I heard about this Plot, Sir *John Croke* said he would fling me in the Gaol, and load me with Action upon Action of a 1000 *l*. and ruine me and my Family.

When the Judge and the Justices heard Mr. *Brown* relate this, every eye began to be fixt upon Sir *John Croke*, and the People asked which was that Sir *John Croke*? Then my Lord Chief Baron *Hale* commanded the Clerk of

the Affizes to give Mr. *Browne* a Writ of Privilege, to protect him home again : which being immediately done in Court, my L. C. B. said, come Mr. *Browne*, let us now hear what you can say to this Business ?

Mr. *Brown* said ; If it may please your Honour, my Lord, upon *Wednesday*, the 16th of *September*, last past, early in the Morning, as I lay in my Bed at Sir *John Croke's* House in *Gbilton*, hearing a great noise, (I being then entrusted by Sir *John Lentall*, as Keeper to Sir *John Croke*, which is a Prisoner at the King's Bench,) I fearing that they were contriving some way for him to escape, I started suddenly out of bed, having nothing on but my Shirt, and stood at the Dining Room Door behind the Hangings, and then my Lord, I heard this *Larimore* tell Sir *John Croke* that he had undone him, by causing him to contend with the Parson. Sir *John Croke* asked him why ? *Larimore* replied, because this *Hawkins* will undo me, for he hath entred me into most Courts of *England*, and summoned me into the Crown Office and Chancery, and I cannot maintain so many Suits. Sir *John Croke* replied, is that all ? Come Brother *Larimore*, be contented, we will have one Trick more for *Hawkins* yet which shall do his work. *Larimore* replied, Sir *John* you have put me upon too many Tricks already, more than I can manage, and the Parson is too hard for us still. Sir *John* replied, If thou wilt but Act, I will Hatch enough to hang *Hawkins*. *Larimore* replied, but how shall we bring this to pass ? Sir *John Croke* made answer, canst not thou convey some Gold or Silver into Mr. *Hawkins's* House, and have a Warrant ready to search his House, and then our Work is done. *Larimore* replied, Sir, if we could but bring this to pass, it might do well, but I know not how. Sir *John Croke* said to *Larimore*, do you but go to Sir *Richard Pigott*, and inform him, that you have lost some Money and Goods, and desire his Warrant to search for them, which Sir *Richard* neither can nor will deny you, and then take *Dick Mayne* the Constable, who is one of us, and will do whatever we desire of him, and go and search Mr. *Hawkins's* House, and there you will find these things ; and then charge him with flat Felony, and force him before me and no other Justice, and I'll fend him to the Gaol without Bail, and we will hang him at the next Affizes, Come, said Sir *John Croke*, Brother *Larimore*, let us go and drink our Mornings Draught, and we will consult more about this Business. And so, my Lord, I heard no more for that time. But —

L. C. B. That was enough, and too much too ; but however Mr. *Browne* go on.

Mr. *Browne*. So upon *Saturday* next, being the 19th of *Sept.* 1668. I having been abroad, and towards Night, coming up the Town, I was informed that Mr. *Hawkins*, as *Larimore* pretended had robbed him : I then began to think more seriously upon what I heard pass the *Wednesday* before, between Sir *John Croke* and this *Larimore*, and coming to Sir *John's* House, I saw a Paper lying upon the Hall Table full of writing, and *Larimore*, with the Constable, and several others, had brought Mr. *Hawkins* before Sir *John Croke* ; who committing Mr. *Hawkins* for robbing *Larimore*, as he pretended, took up the said Paper, , and read it to the Constable, and said that it was Mr. *Hawkins's* *Mittimus*, which said *Mittimus* was written before Mr. *Hawkins* came to Sir *John Croke*, as all that were there can justify. And on *Sunday* Morning I went to an Alehouse, where they had kept Mr. *Hawkins* all Night, and there I saw Mr. *Hawkins* go to the Goal, and then my Heart began to tremble, and yet I durst not discover any thing of what I had heard ; but coming home, I said to Sir *John Croke*, Sir, what, they have carried the poor Parson to the Gaol. Sir *John Croke* replied, Yes, let him go, and the Devil go with him, and more shall follow after ; have I not often told you, that if my Brother *Larimore* and I did but

but lay our Heads together, none are able to stand against us? I replied, yes Sir *John*, I have often heard you say so, but I never believed it until now.

L. C. B. Mr. *Browne*, Is all this true which you have related?

Mr. *Browne*. Yes, my Lord, all that I have said is true, and there sits Sir *John Croke*, pointing to him with his Finger, who knows that every word that I have said is true.

L. C. B. If but ever a word that Mr. *Browne* says be true, it is as foul a Conspiracy as ever was heard of.

About this time Sir *John Croke* stole away from the Bench, without taking his leave of my Lord Chief Baron, or any of the Justices.

My *L. C. B.* said, is this Sir *John Croke* a Gentleman, and contrives such Plots as this? I never in all my Days heard of the like: but I think once in this place, I met with one something like it, but this far exceeds that, if this be true that Mr. *Browne* hath said.

But you of this Jury, there is an honest Man, said my Lord, pointing to Mr. *Wilcox*, he overthrows all; if that be true which he said, then all that is false which *Larimore*, his Son, and Sister have sworn.

Larimore said, my Lord, what I have sworn as to Mr. *Hawkins* is true.

My *L. C. B.* replied, come, *Larimore* thou art a very Villain.

Larimore said, I wish that the Ground may open and swallow me, if any thing that I have sworn against Mr. *Hawkins* is false.

L. C. B. Replied, come, come, *Larimore* thou art a very Villain, Nay, I think thou art a Devil.

Hawk. I hope your Honour, and this Jury, are by this time fully convinc'd that Sir *John Croke* is concerned in this Plot; for, my Lord, he hath appeared all along to be the Grand Contriver of it, as appears by Mr. *Browne's* Testimony, and by what he said to *Larimore* before me and others.

L. C. B. Hales Replied, I am fully satisfied, and so I think are all that have heard it; And he said to the Justices, Gentlemen, where is this Sir *John Croke*? They replied, he is gone.

L. C. B. Is Sir *John Croke* gone? He said, Gentlemen, I must not forget to acquaint you, for I thought that Sir *John Croke* had been here still, that this Sir *John Croke* sent me this Morning two Sugar-loaves for a Present, praying me to excuse his absence yesterday: I did not then know so well as now, what he meant by them, but to save his Credit, I sent his Sugar-loaves back again. Mr. *Harvey*, did you not send Sir *John* his Sugar-loaves back again?

Clerk. of the Assize. Yes (my Lord) they were sent back again.

L. C. B. I cannot think that Sir *John Croke* believes that the King's Justices come into the Country to take Bribes, I rather think, that some other Person having a Design to put a trick upon him, sent them in his Name. And so taking the Letter out of his bosom, shewing it to the Justices, said, Gentlemen, do you know this Hand? To which some of them replied, they believed it might be Sir *John Croke's* own Hand, which Letter being compared with his *Mittimus*, for he had no Clerk, and some other of his Writings there, it plainly appeared to be his own Hand. So my *L. C. B.* seeing that, putting up the Letter again into his bosom, said, he intended to carry that to *London*, and he added farther, that he would relate the foulness of the Business as he found occasions fit for it.

L. C. B. Said, Mr. *Hawkins*, have you any more?

Hawk. My Lord, I hope that the Jury and your Lordship are fully satisfied as to my Innocency; if so, my Lord, I have done; but if not, I humbly desire to know wherein I have not given full Satisfaction; and if any thing else shall be alleged against me, I humbly crave time, and leave to answer it; for, my Lord,
I am

I am confident I can give a fuller Satisfaction, if what I have said already be too short.

L. C. B. You of the Jury what do you think? The Prisoner at the Bar desires to know whether you are satisfied as to the Indictment; if not, you may do well to declare wherein you are not satisfied.

Jury. It is a very plain Case my Lord.

L. C. B. And I think so too, but it is a very foul one.

L. C. B. Said to me, Sir, have you any more?

Hawk. My Lord, I humbly thank your Honour, and the Court, for that great Patience, and Liberty I have had, and intend to say no more, but with *Quintilian* I conclude, *Innocentia melior est quam Eloquentia*, Innocence is better than Eloquence.

My Lord Chief Baron Hale's Directions to the Jury were to this Effect.

L. C. B. Said, you that are of this Jury, the Prisoner at the Bar stands Indicted for robbing this *Larimore*; and you have heard at large both the Prosecutor's Evidence to prove him guilty, which if you do believe, I never heard a fuller: And 2. You have also heard the Prisoner's Defence, wherein, as I think, he hath as fully answered the same Charge. I shall First, repeat the Evidence against him, which consists of two branches; the first is the Prosecutor's Proof of this Indictment; and Secondly, his charging him with other Crimes of the like nature, as the stealing of *Chilton's* Boots, and the picking of *Noble's* Pocket.

First, For to prove him guilty of Robbing him, he observes this Method.

First, He himself swears that he saw the Prisoner at the Bar commit the Robbery.

Secondly, His Son and Sister swear that they saw him run out of the House at the same time.

Thirdly, He brings in four or five Persons that swear the Gold Ring, and the Five-shilling Piece were found in the House of him that is now the Prisoner at the Bar.

Fourthly, and *Lastly*, He proves by two Witnesses, that the Gold Ring and Five-shilling Piece was pawned to him.

And for the First of these, *Larimore* swears that upon *Friday* the 18th of *September* last past, he lock'd his Doors between twelve and one of the clock at Noon, and went out, leaving no body at home, to pluck Hemp, about two Furlongs from his House, where he staid with the rest of his Family till within an Hour and half of Sun-set, at which time, he coming home, found his Doors open, and ran up into his Chamber, and there through the chinks of the Loft-boards, he swears that he saw the Prisoner, now at the Bar, ransacking and rifling of a Box, in the which was at that time a Holland Apron, and a Purse, in which Purse were two Gold Rings, two Pieces of Gold, and 19 s. in Silver; all which said Rings, Gold, and Silver, with the said Apron, he swears that he did see the Prisoner now at the Bar, turn out of the said Purse, take, and feloniously carry away, except one Piece or two of the Silver, and shews the very Purse out of which he saw him take them. If you compare the Evidence with the Indictment, you may see the Policy of the Prosecutor; for he would gladly seem a moderate Prosecutor, by Indicting him for Felony only; as the stealing of Rings and Money, &c. But by his Evidence, he would as gladly charge him with Burglary also, for he swears he broke open or pick'd the Locks of his Doors, and Box, which by Law is the same.

And

And *Secondly*, To corroborate this his Evidence, he brings in two Witnesses more, *viz.* his Son, and Sister *Beamsly*, and they swear that they did at the same time see the Prisoner, that is now at the Bar, run out of *Larimore's* House, with a great Bunch of Keys in his Hand, and he hid himself amongst Beans and Weeds: And note the Keys, to intimate that by the help of those he pick'd *Larimore's* Locks.

Thirdly. He brings in his Son, *Dodsworth Croke*, the Constable, and Tything-Man, which all swear that they found this Gold Ring and five Shilling Piece of Silver in a Basket hanging upon a Pin, in the House of the Prisoner at the Bar, with a few Eggs, which the Prisoner at the Bar the Day before had stol'n from him.

And *Fourthly* and *Lastly*, He brings in one of Sir *John Croke's* Sons, and Mr. *Good*, who swear that the one pawn'd the Ring, and the other the five Shilling Piece to *Larimore*.

Thus *Larimore* swears he saw the Prisoner rob him, his Son and Sister swear that they saw him run out of the House, the same time four more swear that they found the Ring and five Shilling Piece in his House upon search. And *Lastly*, Two swear that the Ring and five Shilling Piece was pawned to him. If all this be true, he must needs be guilty, and if so, altho' I have a great Respect for his Calling, yet that shall no ways excuse him, but rather aggravate his Crime.

And thus much touching the Indictment.

And *Secondly*, He seems to charge him with other Acts of the like Nature: as,

1. He brings in one *Chilton* to swear that the Prisoner at the Bar did steal a pair of Boots from him, and four or five Persons swear that they did hear *Chilton* say he did.

2. He brings one *Boyce* from *London*, a Person, I think, of no great Credit, he swears that he saw the Prisoner at the Bar, about two Years ago, have his Hand in the Pocket of one *James Noble*, and that *Noble* said that he lost a Gold Ring and piece of Gold at the same time. This, if true, would render the Prisoner now at the Bar obnoxious to any Jury.—Thus far the Evidence against the Prisoner at the Bar.

Now we come to the Prisoner's Defence, which, because it is so full, I shall be the briefer in it. The Parts of his Defence were two, as himself observed.

1. He shews how improbable it is.

And 2. How impossible that he should be guilty of this Charge.

First, That it is not likely that *Larimore* was robbed at all, because he did not declare it to any of his Neighbours as soon as he saw the Robbery committed. Again, he varies as to the time when it was done, for that he told his Brother *Beamsly* that he had lost the Ring and five Shilling Piece before there was any Difference between him and the Prisoner at the Bar, as appears by Mr. *Willcox*, and that Difference began in *Michaelmas* Term, 1667. And before Sir *John Croke* he confessed that he had lost this a Month before the Prisoner (*viz.* Mr. *Hawkins*) was committed, which must be about the 19th of *August*, 1668. and in Court he swears that he saw the Prisoner at the Bar rob him of the same Gold Ring and five Shilling Piece of Silver upon *Friday* the 18th of *September*, 1668. an Hour and half before Sun-set; all this cannot be true. And for the Warrant, that bears date a Day before the Robbery was committed. [Whereupon the Judge said to *Larimore*: Come, thou art a cunning Fellow, for thou went'st to Sir *Richard Pigott* for a Warrant upon the 17th Day, and was not robb'd until the 18th Day; *Larimore* thou knewest,

it seems, upon the 17th Day that thou shouldst be robbed on the 18th Day, and that the Prisoner now at the Bar should rob thee; surely thou canst divine, if all this be true.] Again: Is it likely, that when the Prisoner at the Bar was charged with flat Felony at his own Doors, the Constable likewise threatening to break open his House to search, if he had been guilty, his Wife and himself, having the Opportunity of going abroad after they had so charged him, while they were gone to consult with Sir *John Croke*, as the Prisoner at the Bar sufficiently proved, they did by the Testimony of several Witnesses, (as Mr. *Reed*, Mr. *Sanders*, and others) that in all that time he would not have made his Escape, or at least found a more convenient Place to convey a Ring and five Shilling Piece, than to let it remain all that time in a little Basket, with a few Eggs, hanging on a Pin? Again: Who came first into the Room where this Egg-Basket hung? why *Larimore*: And who took down the Basket? *Larimore*: Who turned out the Eggs? *Larimore*: And who had the dressing of the Eggs? *Larimore*. He is a special Cook. You Gentlemen of the Jury, it is an easie thing for *Larimore* to juggle a Ring and five Shilling Piece into a Basket, he being the first that came into the Room, as he put up his Hand to take down the Basket he might with ease enough convey such things as those were into it. All this, and many more, are probable Circumstances to move you and me to believe, that it is not probable that the Prisoner at the Bar is guilty of this Robbery; but that I must leave to you to consider of.

Again: The Prisoner at the Bar proves the whole Business to be but a mere Contrivance of Sir *John Croke*'s and this *Larimore*'s, on purpose to ruin him, as is fully made manifest by the Testimony of Mr. *Browne*, who justifies that upon *Wednesday* the 16th of *September* last past, and but two Days before this pretended Robbery, he heard Sir *John Croke* advise this *Larimore* to fetch a Warrant to search the House of the Prisoner at the Bar, and then to convey Gold and Silver into it; which having done, charge him with flat Felony, and bring him before the said Sir *John Croke*, and no other Justice, he then promising to the said *Larimore* to commit him to Goal without Bail, and hang him at the next Assizes, which is now; and, as I take it, they do aim at it. You of this Jury, if you do believe what Mr. *Browne* saith, it is as foul a Conspiracy as ever was heard of. And I am apt to think it may be probable, because that Sir *John Croke* and *Larimore* did threaten to cast this Mr. *Browne* into Prison, and so ruin him, if he came down and testified his Knowledge about this Business, which thing is of a very ill Consequence. Again: It seems likely that Mr. *Browne* maybe credited, if you compare their Actions with the Times, for upon *Tuesday* Sir *John* arrested the Prisoner upon a feign'd Action of an hundred Pound; upon *Wednesday* the Plot was concluded upon by Sir *John Croke* and *Larimore*, as may appear by Mr. *Browne*'s Testimony; on *Thursday* they procured of Sir *Richard Pigott* the Warrant to search; on *Friday* *Larimore* pretends that he was robbed, tho' in truth there appears no such thing; upon *Saturday* the Prisoner's House was broke open, and he apprehended; and upon *Sunday* he was carryed to the Goal; it was a good Weeks Work. But there is an honest Man [said my Lord Chief Baron, pointing at Mr. *Willcox*] he knocks down all, for he justifies that he came to *Larimore*'s House upon *Friday* the 18th of *September* last past, (it being the same Day that he swears he saw the Prisoner at the Bar robbing him, an Hour and an half before Sunset) and there continued till it was near Night; and he farther saith, that *Larimore* was with him all that Afternoon; and he said that *Larimore* was not robbed that Afternoon, nor was Mr. *Hawkins* there at that time. If this that Mr. *Willcox* saith be true, then all that *Larimore*, his Son, and Sister hath sworn, must needs be false.

And as touching the Boots, *Chilton* swears that he had legg'd a pair of Boots for the Prisoner at the Bar, and laid them in his Shop-Window, for him to take along with him as he went by; which he did, and paid him for his Work; and yet this *Larimore*, Sir *John Croke*, *Croxstone*, and others, did use their utmost Endeavours to stir up this *Chilton* to indict the Prisoner at the Bar for stealing of them, *Croxstone* promising to bear him out in it. This can argue nothing else but Malice in those Persons. And for that which *Boyce* swears, is a Story that can argue nothing else; for neither is *Noble* here to prosecute, nor can *Boyce* swear that the Prisoner at the Bar did pick his Pocket, or that *Noble* ever said he did.

Thus I have repeated the Evidence to prove him guilty, and have not, I think, omitted any thing in it that is material; which, if you do believe, he must needs be guilty: And also the Prisoners Defence, which, I think, is sufficient. It is a plain Case, and I suppose you need not go from the Bar; but that I leave to you.

And so the Jury not stirring from the Bar, which the Clerk observing, he called the Jury, who severally answered to their Names; which being done, the Clerk of the Arraignment asked whether they were all agreed upon their Verdict.

Jury. Yes, we are all agreed.

Clerk. Who shall speak for you?

Jury. Our Fore-Man.

Clerk. *Robert Hawkins*, hold up thy Hand: [Which I did.] Jury look upon the Prisoner at the Bar, how say you? Is he guilty of the Felony whereof he stands indicted, or not guilty?

Foreman of the Jury said, Not guilty, my Lord.

L. C. B. Hale said to the Jury, You have found like honest Men; I do believe that he is not guilty. And he said to *Larimore*, Thou art a very Villain.

Jaylor said, Is Mr. *Hawkins*, my Lord, discharg'd of his Imprisonment.

L. C. B. replied, Yes, yes, he is discharged, paying his Fees.

Hawk. May it please your Honour, my Lord, I am poor, and this, with other Troubles which they have unjustly occasioned, hath cost me a great deal of Money already.

L. C. B. I cannot help that, nor can I give away other Mens Rights, if they will not remit their Fees, you must pay them.

Hawk. I humbly thank your Honour, and shall observe your Lordship's Commands.

And so the Court arose, there being no other Business (but my Trial) the whole Morning, which lasted from eight until one. So as soon as my Trial was over, Sir *John Croke*, *Larimore*, and the rest of that Crew, fled privately out of *Alisbury*, and durst not stay.

Thus I have, as briefly as possibly I could, run over my Trial, and for the Truth of it I dare appeal to all that heard it, which were hundreds, who can justify that I have given a just and faithful Account of it.

This Conspiracy may put us in mind to pray with our Mother the Church of *England* in her Litany.

From all Privy Conspiracy and Rebellion, Good Lord deliver us. Amen.

And

And with her I am bound to give Thanks and say always,

O Almighty God, who art a strong Tower of Defence unto thy Servant, against the Face of his Enemies; I yield thee Praise and Thanksgiving for my Deliverance from these great and apparent Dangers, wherewith I was compassed; I acknowledge it to be thy Goodness, that I was not delivered over as a Prey unto them; beseeching thee still to continue such thy Mercies towards me, that all the World may know that thou art my Saviour and mighty Deliverer, through Jesus Christ our Lord. Amen

Psalm 21. 11. For they imagined such a device, as they were not able to perform.

Psalm 37. 6. He hath made my righteousness as clear as the light, and my just dealing, as the noon-day.

Psalm 103. 1. Praise the Lord, O my soul, and all that is within me, praise his holy name.

Verse 2. Praise the Lord, O my soul, and forget not all his benefits.

Verse 4. Who hath saved thy life from destruction, and hath crowned me with mercy, and loving-kindness.

Verse 20. O praise the Lord, all ye Angels of his.

Verse 21. O praise the Lord, all ye his Servants, that do his pleasure.

Verse 22. O speak good of the Lord all ye Works of his.

Psalm 104. 35. In all places of his dominion, praise thou the Lord, O my soul, praise the Lord.

1 Kings 1. 34, 39. God save the King. Amen.



F I N I S.